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Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC

FCC - MAILROOM

In the Matter of:		
Request for Review and Waiver)	
of the Decision of the)	
Universal Service Administrator by)	
)	File No. SLD-526314,
Rio Grande City Consolidated School District BEN Number: 141677)	524550, 526456, and 523659
Schools and Libraries Universal Service Support Mechanism)	CC Docket No: 02-6
Wireline Competition Bureau)	

REQUEST FOR REVIEW AND WAIVER

INTRODUCTION

Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (USAC) may seek review from the Commission. Rio Grande City Consolidated School District (Rio Grande) hereby appeals the current action taken by USAC regarding four of the District's Funding Year 2006 Applications.

BACKGROUND

In May 2006, Rio Grande received a Selective Review Information Request (SRIR) from the Schools and Libraries Division (SLD). As part of this process, the District was asked to provide the Request For Proposals (RFP) for the referencing FCC Form 470s used for Funding Year 2006. The District responded to the Selective Review on May 12, 2006.²

¹ 47 C.F.R. § 54.719(c).

² The relevant portions of Rio Grande's May 12, 2006 SRIR response is attached as Fixhibit copies rec'd. Q

The District later received follow-up questioning regarding their SRIR documentation and provided the requested information on September 18, 2006.³

On April 24, 2007, the SLD informed Rio Grande that four of the District's 2006 Applications were rejected. The SLD gave the following explanation in denying the requests, "FRN was denied for failure to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed."

DISCUSSION

Rio Grande does admit there was a miscommunication regarding the SLD's question on providing the RFPs. Rio Grande did not have RFPs, but instead was using the Form 470 to procure these services. When asked to provide the RFPs, what Rio Grande gave the SLD was the equipment and inventory lists the District provided to all interested service providers. Rio Grande respectfully requests the FCC remand the case back to the SLD since the equipment lists do not constitute a district issued RFP and there was a fair and competitive bidding process.

Equipment and Inventory Lists not an RFP

The SRIR correspondence provided to the SLD shows Rio Grande provided equipment and inventory lists to all potential bidders. Rio Grande incorrectly referred to these lists as RFPs in the Selective Review response, but did not do so with any intent to defraud or abuse the e-rate program. When the lists provided to potential bidders are compared to a typical RFP document, it is obvious that the lists in no way constituted a District RFP.⁵ A District RFP would have instructions for potential bidders, delivery instructions, billing instructions, and notification of how the bid was to be awarded. None of this information was present in what was provided to interested bidders.

³ A copy of the relevant portion of the District's follow-up SRIR response is attached as Exhibit B.

⁴ Copies of the Funding Commitment Decision Letters are attached as Exhibit C.

⁵ A sample draft of the RFP format used by Rio Grande's Procurement Department is attached as Exhibit D

Fair and Competitive Bidding Process Held

The Commission has noted in the past that the primary job of most applicants who are navigating the E-rate process is not processing E-rate paperwork. As is the case for many other smaller school districts, it is Rio Grande's technology staff that complete and submit E-rate applications on behalf of the District. These staff members do not have E-rate as their primary job responsibility. From time to time, this creates confusion and misunderstanding regarding E-rate requirements and procedures. Referring to the equipment and inventory lists as an RFP is an example of such confusion.

In the Approach Learning and Assessment Center Order, the FCC described the competitive bidding process as follows⁶:

In accordance with the Commission's rules, applicants submit for posting on USAC's website an FCC Form 470 requesting discounts for E-rate eligible services, such as tarriffed telecommunications services, month-to-month Internet access, or any services for which the applicant is seeking a new contract. The applicant must describe the desired services with sufficient specificity to enable potential service providers to submit bids for E-rate eligible services. The applicant must provide this description on its FCC Form 470 or indicate on the form that it has a Request for Proposal (RFP) available providing detail about the requested services. The RFP must be available to all potential bidders for the duration of the bidding process. The applicant must be available to all potential bidders for the duration of the bidding process.

After submitting an FCC Form 470, the applicant must wait 28 days before making commitments with the selected service providers.¹¹ The applicant must then submit a completed FCC Form 471 to notify USAC of the services that have been ordered, the service providers with which the applicant has

⁶ See In the Matter of Approach Learning and Assessment Center, Santa Ana, CA, et al., File Nos. SLD-140957, et al., CC Docket No. 02-6, Order, DA 07-1332, (March 23, 2007), at paras. 4 and 5.

⁷ 47 C.F.R. § 54.504(b).

⁸ *Id. See also* Federal-State Board on Universal Service, CC Docket 96-45, Report and Order, 12 FCC Rcd 8776, at 9077-80, paras. 572-579 (1997) (*Universal Service Order*) (describing sequence of designing detailed technology plan and subsequently submitting detailed description of services sought.)

⁹ See, e.g., Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (May 2003) (FCC Form 470).

¹⁰ Id.

¹¹ 47 C.F.R. § 54.504(b)(4).

entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.¹² To demonstrate compliance with the competitive bidding requirements, the applicant must, in connection with each funding request, cite an FCC Form 470 seeking the same category of service later contracted for and reflected in the FCC Form 471.¹³

Rio Grande understands the policy concerns behind the competitive bidding requirements of the E-rate program. However, their mistake did not circumvent the competitive bidding process. Rio Grande prepared and released their Form 470 with sufficient detail for potential service providers to prepare bids and be able to contact the District with further questions. All interested service providers who saw the Form 470 and contacted the District for further information were provided the same equipment and inventory lists. All service providers had the same information to use in preparing their bid responses and no one service provider received preferential treatment. Rio Grande waited the required 28 days before considering all bids received and selecting service providers.

¹² 47 C.F.R. § 54.504(c).

¹³ Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (December 2002) at 19 (FCC Form 471 Instructions). Generally, there are three categories of service for which an applicant may request services on the FCC Form 470: telecommunications services, Internet access, and internal connections. *See* Instructions for Completing the Schools and Libraries Universal Service Description of Services Requested and Certification Form, OMB 3060-0806 (May 2003) (FCC Form 470 Instructions). The FCC Form 470 must seek funding for the same services later requested in the FCC Form 471. If it does not, the FCC Form 471 will be rejected for violating the Commission's competitive bidding requirements. *See* 47 C.F.R. §§ 54.504(b)-(c). *See*, e.g., *Request for Review by Aberdeen School District No. 5, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-327601, CC Docket No. 96-45, 19 FCC Rcd 22901 (2004).

¹⁴ The email correspondence from Rio Grande to the service providers contacting them for more information, are attached as Exhibit E.

SUMMARY

Accordingly, Rio Grande respectfully requests that the FCC reverse the SLD's decision and fund the FRNs under appeal.

Respectfully Submitted,

Vilma Garza

Technology Director

Rio Grande City C.I.S.D

Fort Ringgold

Rio Grande City, TX 78582

Phone - (956)716-6743

Fax - (956)716-6814



Rio Grande City Consolidated Independent School District

Office of Technology/Audio Visual Ms. Vilma Garza, Technology Director

To: Kenneth A. Solomon

PIA Integrated

USAC

80 South Jefferson Road Whippany, New Jersey 07981

From: Vilma Garza

Date: May 12, 2006

Re: 141677 Rio Grande City School District 2006 Selective Review

Enclosed are documents and responses to questions on the Selective Review Information Request ("SRIR") for Application Numbers: 516577, 523464, 523529, 523606, 523627, 523659, 524550, 524692, 524766, 524940, 526314, 526456.

If I can be of further assistance, please do not hesitate to contact me.

Thank you

Fort Ringgold * Rio Grande City, Texas 78582 (965) 716-6743 * Fax (956) 716-6814 E-mail: vgarza@rgccisd.org "Learn Today - Succeed Tomorrow"

Selective Review Information Request Checklist Please complete and return with your responses

lieus to be returned to the E-Rate Reviewer	Documentish Title & Corresponding PRN		, Status
Item 25 Worksheet Summary (page 3)	1440829,1441271,1441549,1441633,1441756,1441862, 1444789,1444904,1445273,1445660,1450012,1450371	•	Enclosed
Signed & dated contracts and/or other agreements with service providers related to the Form(s) 471	.1441549,1441633,1441756,1441862, 1444789,1444904,1445273,1445660,1450012,1450371		Enclosed N/A
Request For Proposel (RFP)	1440829,144127},1441549,1441633,1441756,1441862, 1444789,1444904,1445273,1445660,1450012,1450371		Enclosed N/A
All bid responses received for all funding requests	1440829,1441271,1441549,1441633,1441756,1441862, 1444789,1444904,1445273,1445660,1450012,1450371		Enclosed N/A
Vendor selection process description (created during the bidding process)	1440829,1441271,1441549,1441633,1441756,1441862, 1444789,1444904,1445273,1445660,1450012,1450371		Enclosed N/A
Signed and dated Consultant Agreement(s) or Letter of Agency			Enclosed N/A
Correspondence between the consultant/service provider and the school/library regarding the competitive bidding process and the application process	[440829,1441271,1441549,1441633,1441756,1441862, 1444789,1444904,1445273,1445660,1450012,145037]		Enclosed N/A
Organizational Structure			, Rinclosed N/A
Resource Plan (page 7)	1440829,1441271,1441549,1441633,1441756,1441862, 1444789,1444904,1445273,1445660,1450012,1450371	2	Enclosed
E-Rate Implementation Description (page 7)	1440829,1441271,1441549,1441633,1441756,1441862, 1444789,1444904,1445273,1445660,1450012,1450371		Enclosed N/A
Technology Plan Support Request for FY 2006 (page \$)	1440829,1441271,1441549,1441633,1441756,1441862, 1444789,1444904,1445273,1445660,1450012,1450371	•	Enclosed
Budget information (page 8) (Approved operating budget or alternative budget documentation for FY 2006)	1440829,1441271,1441549,1441633,1441756,1441862, 1444789,1444904,1445273,1445660,1450012,1450371	•	Enclosed
Selective Review Certification (page 9)			linclased

¹ Write on the first page of the document provided, the FRN numbers(s) the document supports.

Universal Service Administrative Company Sel

REQUESTS FOR PROPOSAL (RFP)

Internal Connections Erate 9

WE ARE SEEKING A PROPOSAL FOR INTERNAL CONNECTIONS FOR OUR NEW MIDDLE SCHOOL and the Alternative Center.

THE LIST OF MATERIALS AND SPECIFICATIONS ARE AS FOLLOWS:

Gigabit from all IDF's to MDF Fiber from all IDF's to MDF

Four drops per classroom with a teacher station separate and drop for printer a total of 6 drops in each classroom at 10/100 switched to the desktop and drops at all offices and other rooms as deemed in plan.

Computer Labs need 32 drops (30 for students and two for teacher station)

Administrative Offices 4 drops

Cisco 6509 at the MDF with routing, switches and fiber blades

Cisco 2950's or better at the IDF and computer labs or where necessary

Battery backups at all IDF's and MDF

Racks at the IDF,s and MDF for all equipment

As for the Access Points, we are requesting cisco aironet 1231 access point 802.11 b/g enough to cover the whole new middle school, 3 elementaries and the alternative center.

Attached are floor plans for the different campuses.

As stated, all proposals must be submitted to our purchasing agent (Joe Smedley) no later than January 18, 2006 at 12:00 p.m. so that it may be time stamped. Proposals received after this date will not be accepted.

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Video Conferencing Specs

VSX 8400 IP (NTSC)

POWERCAM CAMERA FOR VSX 8400 (NOT E RATE ELIGIBLE)

POWERMIC W/CABLE (NOT ERATE ELIGIBLE)

1ST YR REMOTE POLYCM VSX8000

Project Management

CLEAR ONE 32" MONITOR CART

Install of classroom 8400 Series

Elmo Visual Presenter (Not E-Rate Eligible)

Rio Granoe City CISD Telephone Inventory

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Sanchez Elem	Inter-Tel Axxess PBX	5	13
Roque Guerra Elem.	inter-Tel Axxess PBX	10	15
North Grammar	Inter-Tel Axxess PBX	8	23
Ringgold Elem	Inter-Tel Axxess PBX		29
Hinojosa Elem	Inter-Tel Axxess PBX	4	16
La Union Elem.	Inter-Tel Axxess PBX	4	16
Alto Bonito Elem.	Inter-Tel Axxess PBX	4	17
Grulla Elem.	Inter-Tel Axxess PBX	8	19
Grulla Middle School	inter-Tel Axxess PBX	7	20
RMS	Inter-Tel Axxess PBX		71
High School	Inter-Tel Axxess PBX	24	188
Administration	Inter-Tel Axxess PBX	48	348

Ringgold Elementary and RMS share the trunks with Administration

	are Description
	206 VXR w/ NPE-400 & UO Controller w/2 FE/E Ports
Cisco 7	7200 Gigabit Ethernet Port Adapter
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Cisco Catalyst 6000 Supervisor MSFC2 & PFC2	
Cisco Catalyst 6000 18 Port Gig-Ethernet Module	
Cisco Catalyst 6000 48-Port 10/100, RJ45	
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Dell 2650 E-mail Server	



Rio Grande City Consolidated Independent School District

Office of Technology/Audio Visual Ms. Vilma Garza, Technology Director

September 18, 2006

To: Kenneth A. Solomon

Program Integrity Assurance Schools and Libraries Division

Here are the questions with our answers to your PIA review:

Retrofitting:

* Your investment in retrofitting appears low in relation to the level of network resources you are requesting. Have you already retrofitted your buildings for technology (prior to 2005)? If so, can you briefly document the dollar amount and/or the work done? Also please indicate if this is a relatively new school (past five years or so). If not, please provide a one-page summary of the resources and strategies you have available to retrofit you schools for technology.

Attachment 1 details the dates that the campuses were built or remodeled. The oldest campus on the list is our High School which was built in 1997. We have set aside \$55,000 for retrofitting since all campuses are fairly new. All classrooms are built with four individual isolated electrical outlets for computers. There are also four data drops per classroom that are active with a teacher drop available. Every other campus on the list is either new or has been remodeled recently. If you should need further clarification, please feel free and contact us.

Budget:

If a finalized operating budget for 2006-2007 is not available or in the early stages of an approval process, please provide a letter signed by a school or library official (superintendent, board president, chief business administrator). The letter should explain (1) what phase of the approval process you are in, (2) whether your share of funding is contingent on any outside action (e.g. voter approval, board approval, state legislation, etc.) and (3) whether in the absence of such outside approval, you anticipate being able to meet your share. Also make sure that the letter identifies the specific amount that you will have available to pay your share. For example, if you have \$100,000 that you will be putting in your budget, make sure that that is noted in the letter. In addition to that letter (and in lieu of a finalized budget) please provide one of the following as noted below:

Fort Ringgold * Rio Grande City, Texas 78582 (965) 716-6743 * Fax (956) 716-6814 E-mail: vgarza@rgccisd.org *Lcarn Today - Succeed Tomarraw" The budget for E-Rate Year 9 is included in the folder labeled "E-Rate Budget 2006-2007.

RFP:

Please indicate the FRNs to which RFP you provided applies. RFP does not include the release/posting date, please provide the date it was released/posted and any supporting documentation.

The release date on our Form 470 was 12/20/2005. The RFP's were attached to the e-mails, personal visits or faxes that were requested by vendors who were interested in submitting a quote for our projects. Attachment 2 is the RFP that we gave out to interested vendors for internal connections. The FRN for that RFP is 1450012. Attachment 3 is the RFP that we gave out for Video Conferencing. The FRN for that RFP is 1444789. Attachment 4 is the RFP that we gave out for Internal Connections Telephone Maintenance. The FRN for that RFP is 1441862. Attachment 5 is the RFP that we gave out for Internal Connections Data Maintenance. The FRN for that RFP is 1450371.

Contracts:

You provided copies of several contract, but these contracts were not labeled by FRN. Please explain how the contract associated with the FRNs.

I have included the contracts again with the application number and the FRN on top of each contract. See Folder labeled "E-RATE YEAR 9 CONTRACTS"

Bids:

If you have not done so, please provide copies of all bids received for ALL funding requests (Telecommunications Services, Internet Access, and Internal Connections), including month to month and tariff services. Please indicate the # of bids received in response to your posted Form(s) 470, i.e., 0, 1, 2, etc, for the following FRN(s):

I have included two bids that were not sent on the first PIA review dated on May 12, 2006. I asked for copies of the bids from the purchasing office and I sent what I received. In doing a checklist for this PIA review, I noticed that two bids had been omitted by clerical error. I have included those two bids for this PIA review. I have also included a copy of the envelope for a bid received from One Vision that shows the date the bid was sent. I also included the page from our Form 470 which states the date and time proposals were due. This bid arrived out of window. You will find these documents in the folder labeled "BIDS". If you need a copy of all the bids received in our district for E-Rate Year 9, please contact me again and I will be more than happy to send you the rest of the proposals.

471_NC

of Bids

Fort Ringgold * Rio Grande City, Team 78382 (965) 716-6743 * Fax (956) 716-6814 E-mail: vgarza@rgccisd.org *Learn Today - Succeed Tomorrow*

FRN 1450012

Internal Connections Erate 9

WE ARE SEEKING A PROPOSAL FOR INTERNAL CONNECTIONS FOR OUR NEW MIDDLE SCHOOL and the Alternative Center.

THE LIST OF MATERIALS AND SPECIFICATIONS ARE AS FOLLOWS:

Gigabit from all IDF's to MDF Fiber from all IDF's to MDF

Four drops per classroom with a teacher station separate and drop for printer a total of 6 drops in each classroom at 10/100 switched to the desktop and drops at all offices and other rooms as deemed in plan.

Computer Labs need 32 drops (30 for students and two for teacher station)
Administrative Offices 4 drops
Cisco 6509 at the MDF with routing, switches and fiber blades
Cisco 2950's or better at the IDF and computer labs or where necessary
Battery backups at all IDF's and MDF

Racks at the IDF,s and MDF for all equipment

As for the Access Points, we are requesting cisco aironet 1231 access point 802.11 b/g enough to cover the whole new middle school, 3 elementaries and the alternative center.

Attached are floor plans for the different campuses.

As stated, all proposals must be submitted to our purchasing agent (Joe Smedley) no later than January 18, 2006 at 12:00 p.m. so that it may be time stamped. Proposals received after this date will not be accepted.

FRN 1444789

Video Conferencing Specs

VSX 8400 IP (NTSC)

POWERCAM CAMERA FOR VSX 8400 (NOT E RATE ELIGIBLE)

POWERMIC W/CABLE (NOT ERATE ELIGIBLE)

IST YR REMOTE POLYCM VSX8000

Project Management

CLEAR ONE 32" MONITOR CART

Install of classroom 8400 Series

Elmo Visual Presenter (Not E-Rate Eligible)

Rio Grande City CISD Telephone Inventory

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APC Surge Protector Back-UP ES 350									•				

School	System	Trunks Extensions	
Sanchez Elem	Inter-Tel Axxess PBX	5	13
Roque Guerra Elem.	Inter-Tel Axxess PBX	10	15
North Grammar	Inter-Tel Axxess PBX	8	23
Ringgold Elem	Inter-Tel Axxess PBX		29
Hinojosa Elem	Inter-Tel Axxess PBX	4	16
La Union Elem.	inter-Tel Axxess PBX	4	16
Alto Bonito Elem.	Inter-Tel Axxess PBX	4	17
Grulia Elem.	Inter-Tel Axxess PBX	8	19
Grulla Middle School	Inter-Tel Axxess PBX	7	20
RMS	Inter-Tel Axxess PBX		71
High School	Inter-Tel Axxess PBX	24	188
Administration	inter-Tel Axxess PBX	48	348

Ringgold Elementary and RMS share the trunks with Administration

FRN 1450371

Hardware Description
Cisco 7208 VXR w/ NPE-400 & I/O Controller w/2 FE/E Ports
Cisco 7200 Gigabit Ethernet Port Adapter
Cisco Catalyst 8509 Switch
Cisco Catalyst 6000 Supervisor Engine 2, 2GE
Cisco Catalyst 6000 Supervisor Engine 2, 2GE
Cisco Catalyst 6000 Supervisor MSFC2 & PFC2
Cisco Catalyst 6000 Supervisor MSFC2 & PFC2
Cisco Catalyst 6000 16 Port Gig-Ethernet Module Cisco Catalyst 6000 16 Port Gig-Ethernet Module
Cisco Catalyst 6000 48-Port 10/100, RJ45
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